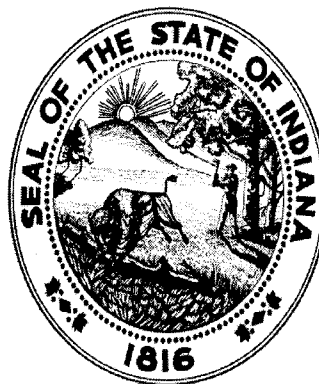


# **Private Investigator and Security Guard Licensing Board**

## **Licensure Law and Regulations**

**A compilation from the Indiana Code and Indiana Administrative Code**

**2011 Edition**



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**NOTICE:** This compilation incorporates the most recent revisions of the statutory provisions and administrative rules governing the professions of private investigators, security guards and polygraph examiners, as of July 1, 2011. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to professionals regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. Neither the Private Investigator and Security Guard Licensing Board, nor the Indiana Professional Licensing Agency are able to provide legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

# PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD

July 2011 Edition

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INDIANA CODE § 25-30

ARTICLE 30. PRIVATE INVESTIGATORS AND SECURITY GUARDS

INDIANA CODE § 25-30-1

Chapter 1. Private Investigator Firm Licensing

IC 25-30-1-1 Short title

Sec. 1. This chapter may be cited as the "Private Investigator Firm License Law."

(Formerly: Acts 1961, c.163, s.1.) As amended by Acts 1982, P.L.154, SEC.87; P.L.185-2007, SEC.8.

IC 25-30-1-1.2 Repealed

(Repealed by P.L.185-2007, SEC.28.)

IC 25-30-1-2 Definitions

Sec. 2. As used in this chapter:

- (1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.
- (2) "Licensee" means a person licensed under this chapter.
- (3) "Private investigator firm" means the business of:
  - (A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:
    - (i) a crime against the state or wrongs done or threatened;
    - (ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;
    - (iii) credibility of witnesses or other persons;
    - (iv) the location or recovery of lost, abandoned, unclaimed, or stolen property;
    - (v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or
    - (vi) the truth or falsity of a statement or representation;
  - (B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or
  - (C) providing, for hire or reward, undercover investigators to detect and prevent fraud and theft in the workplace or elsewhere.
- (4) "Board" refers to the private investigator and security guard licensing board established under section 5.2 of this chapter.
- (5) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5.
- (6) "Business entity" means a firm, a company, an association, an organization, a partnership, or a corporation.

(Formerly: Acts 1961, c.163, s.2; Acts 1965, c.162, s.1; Acts 1967, c.171, s.1.) As amended by Acts 1982, P.L.154, SEC.88; P.L.261-1987, SEC.1; P.L.234-1989, SEC.5; P.L.214-1993, SEC.66; P.L.236-1995, SEC.46; P.L.1-2006, SEC.474; P.L.185-2007, SEC.9; P.L.3-2008, SEC.196.

IC 25-30-1-3 Necessity of license

Sec. 3. It shall be unlawful for a person to:

- (1) engage in business as a private investigator firm;
  - (2) solicit or advertise for business as a private investigator firm; or
  - (3) represent or hold the person out to be a private investigator firm;
- unless the person is licensed as a private investigator firm under this chapter and complies with this chapter and rules adopted under this chapter.

(Formerly: Acts 1961, c.163, s.3.) As amended by Acts 1982, P.L.154, SEC.89; P.L.234-1989, SEC.6; P.L.185-2007, SEC.10.

IC 25-30-1-4 Repealed

(Repealed by P.L.214-1993, SEC.91.)

IC 25-30-1-5 Exceptions to licensing requirements

Sec. 5. This chapter does not require any of the following persons to be a licensee:

- (1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.
- (2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.
- (3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.
- (4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.
- (5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.
- (6) A person primarily engaged in the business of furnishing information for:
  - (A) business decisions and transactions in connection with credit, employment, or marketing; or
  - (B) insurance underwriting purposes;including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).
- (7) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a private investigator for the purposes of loss prevention investigations for the retail merchant's retail establishment.
- (8) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.
- (9) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.
- (10) A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incident to the practice of land surveying.
- (11) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.
- (12) An independent consultant employed by the attorney general under IC 32-34-1-48, to the extent that the independent consultant is engaged in providing services for the attorney general.

(Formerly: Acts 1961, c.163, s.5.) As amended by Acts 1982, P.L.154, SEC.91; P.L.261-1987, SEC.2; P.L.234-1989, SEC.7; P.L.245-1995, SEC.1; P.L.42-1999, SEC.1; P.L.185-2007, SEC.11.

IC 25-30-1-5.1 Repealed

(Repealed by P.L.185-2007, SEC.28.)

IC 25-30-1-5.2 Private detectives licensing board; establishment; membership; term; removal; vacancy; compensation

Sec. 5.1. (a) The private investigator and security guard licensing board is established.

(b) The board consists of:

- (1) the superintendent of the state police department or the superintendent's designee; and
- (2) the following six (6) members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(A) Two (2) individuals who are associated with a private investigator firm licensed under this article.

(B) Two (2) individuals who are associated with a security guard agency licensed under this article.

(C) One (1) local law enforcement official.

(D) One (1) person who is not associated with a private investigator firm or security guard agency other than as a consumer.

(c) Each member of the board appointed by the governor shall serve a term of two (2) years.

(d) The governor may remove a board member appointed by a governor for incompetency or failure to perform the member's duties under this chapter.

(e) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. As added by P.L.185-2007, SEC.12.

#### **IC 25-30-1-5.3 Election of president and vice president**

Sec. 5.3. The board shall, at its first meeting of each year, elect a president and a vice president from among its membership by a majority vote of all the members of the board.

As added by P.L.234-1989, SEC.9. Amended by P.L.214-1993, SEC.68.

#### **IC 25-30-1-5.5 Rules**

Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this chapter.

As added by P.L.234-1989, SEC.10.

#### **IC 25-30-1-6 Powers and duties of licensing agency**

Sec. 6. The licensing agency shall assist the board by performing administrative functions under this chapter.

(Formerly: Acts 1961, c.163, s.6.) As amended by Acts 1982, P.L.154, SEC.92; P.L.234-1989, SEC.11.

#### **IC 25-30-1-6.5 Board meetings; quorum**

Sec. 6.5. (a) The board shall meet upon the call of the board president.

(b) Four (4) members of the board constitute a quorum.

As added by P.L.185-2007, SEC.13.

#### **IC 25-30-1-7 Application for license**

Sec. 7. (a) An application for licensure as a private investigator firm must be on a form prescribed by the board accompanied by the license fee established by the board under IC 25-1-8.

(b) The application for licensure as a private investigator firm shall include the following:

(1) The full name and business address, including street address, of the applicant.

(2) The name under which the applicant intends to do business as a private investigator firm.

(3) The full name and residential address of each of the private investigator firms members, partners, officers, directors, and managers.

(4) The proof of insurance required by section 15 of this chapter.

(5) Other information, evidence, statements, or documents required by the board.

(Formerly: Acts 1961, c.163, s.7.) As amended by Acts 1982, P.L.154, SEC.93; P.L.234-1989, SEC.12; P.L.194-2005, SEC.74; P.L.185-2007, SEC.14.

#### **IC 25-30-1-8 Qualifications for license; grounds for denial**

Sec. 8. (a) The board may not issue a private investigator firm license to an individual unless the individual:

(1) is at least twenty-one (21) years of age; and

(2) demonstrates the necessary knowledge and skills, as determined by the board, to conduct a private investigator firm competently.

(b) The board may not issue a private investigator firm license to a business entity unless:

(1) one (1) officer in the case of a corporation; or

(2) one (1) partner in the case of a partnership;

meets the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant or if the applicant is a business entity, the officer or partner referred to in subsection (b):

(1) has not committed an act, which, if committed by a licensee would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of a:

(A) felony; or

(B) misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not while unlicensed, committed, or aided and abetted in the commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; and

(6) is not being sought under an active warrant against the applicant, officer, or partner.

(Formerly: Acts 1961, c.163, s.8.) As amended by Acts 1978, P.L.2, SEC.2549; P.L.261-1987, SEC.3; P.L.234-1989, SEC.13; P.L.214-1993, SEC.69; P.L.185-2007, SEC.15; P.L.3-2008, SEC.197.

#### **IC 25-30-1-8.5 Change in ownership of licensee**

Sec. 8.5. If a change in the ownership of a private investigator firm results in the failure to meet the qualifications set forth in section 8 of this chapter:

(1) the license of the private investigator firm terminates on the date the change of ownership is effective; and

(2) the private investigator firm must file a new application for a license as a private investigator firm with the board.

As added by P.L.185-2007, SEC.16.

#### **IC 25-30-1-9 Continuation of business after death of licensee**

Sec. 9. (a) Upon the death of an individual licensed under this chapter, the private investigator firm with which the decedent was connected may be carried on for a period of ninety (90) days after the individual's death by the following:

(1) In the case of an individual licensee the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a business entity, the other officers of the business entity.

(b) Upon the authorization of the board, the private investigator firm may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private investigator firm if the vendee qualifies for a license under this chapter.

(Formerly: Acts 1961, c.163, s.9.) As amended by Acts 1982, P.L.154, SEC.94; P.L.234-1989, SEC.14; P.L.185-2007, SEC.17.

#### **IC 25-30-1-10 Form of license; display; change of address; assignment of license**

Sec. 10. (a) A license, when issued, shall be in a form determined by the board and shall include the following:

(1) The full name of the licensee.

(2) The number and expiration date of the license.

(b) Upon the issuance of a private investigator firm license, a pocket card shall be issued without charge to the licensee. When a license is revoked, the pocket card shall be surrendered and, not later than five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.

(c) A licensed private investigator firm shall, not later than thirty (30) days after a change, notify the board of any changes to the:

(1) licensee's address;

(2) name under which the licensee does business; and (3) licensee's officers, directors, members, or partners.

(d) A license issued under this chapter is not assignable and is personal to the licensee.

(e) A licensee shall present, upon the request of a client, a pocket card license that indicates the:

(1) license is active; and

(2) licensee is in good standing.

*(Formerly: Acts 1961, c. 163, s. 10.) As amended by Acts 1982, P.L. 154, SEC.95; P.L. 234-1989, SEC.15; P.L. 214-1993, SEC.70; P.L. 236-1995, SEC.47; P.L. 185-2007, SEC.18.*

#### IC 25-30-1-11 Employees of licensee

Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private investigator firm, as many unlicensed persons as may be necessary. The licensee is civilly responsible for the good conduct of all employees while the unlicensed persons are acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

(c) A licensed private investigator firm shall, at the board's request, provide the board with a roster of all unlicensed individuals employed by the private investigator firm.

*(Formerly: Acts 1961, c. 163, s. 11.) As amended by Acts 1978, P.L. 2, SEC.2550; P.L. 234-1989, SEC.16; P.L. 214-1993, SEC.71; P.L. 236-1995, SEC.48; P.L. 185-2007, SEC.19.*

#### IC 25-30-1-12 Repealed

*(Repealed by P.L. 35-1984, SEC.10.)*

#### IC 25-30-1-13 Advertisements

Sec. 13. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.

*(Formerly: Acts 1961, c. 163, s.13.) As amended by P.L. 234-1989, SEC.17.*

#### IC 25-30-1-14 Nonresident licensees

Sec. 14. It shall be unlawful for a person licensed by any other state to do business in Indiana unless the person is licensed and authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of this state. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.

*(Formerly: Acts 1961, c. 163, s.14.) As amended by P.L. 234-1989, SEC.18; P.L. 214-1993, SEC.72; P.L. 185-2007, SEC.20.*

#### IC 25-30-1-15 Insurance

Sec. 15. (a) An applicant for a private investigator firm license shall submit to the board a certificate of insurance or other evidence of financial responsibility that:

(1) is approved by the board; and

(2) meets the following requirements:

(A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.

(B) Provides for general liability coverage of at least one hundred thousand dollars (\$100,000).

(C) Lists the state as an additional insured.

(D) States that cancellation and non-renewal of the underlying policy or other evidence of financial responsibility is not effective until the board received written notice at least ten (10) days before the cancellation or nonrenewal of the policy.

(E) Contains any other terms and conditions established by the board.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private investigator firm;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(f) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

*(Formerly: Acts 1961, c. 163, s.15.) As amended by Acts 1982, P.L. 154, SEC.97; P.L. 261-1987, SEC.4; P.L. 157-1988, SEC.1; P.L. 234-1989, SEC.19; P.L. 214-1993, SEC.73; P.L. 185-2007, SEC.21.*

#### IC 25-30-1-16 Expiration and renewal of license

Sec. 16. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements under IC 25-1-8-6(c).

(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

*(Formerly: Acts 1961, c. 163, s.16.) As amended by Acts 1982, P.L. 154, SEC.98; P.L. 234-1989, SEC.20; P.L. 214-1993, SEC.74; P.L. 194-2005, SEC.75; P.L. 157-2006, SEC.68.; P.L. 185-2007, SEC.22; P.L. 105-2008, SEC.57.*

#### IC 25-30-1-17 Fees

Sec. 17. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

(b) All fees collected under this chapter shall go into the general fund and shall be accounted for by the licensing agency.

(c) All fees collected under this chapter are nontransferable and nonrefundable.

(Formerly: Acts 1961, c.163, s.17.) As amended by Acts 1982, P.L.154, SEC.99; P.L.5-1988, SEC.137; P.L.234-1989, SEC.21; P.L.214-1993, SEC.75; P.L.194-2005, SEC.76; P.L.185-2007, SEC.23.

#### **IC 25-30-1-18 Administrative proceedings; violation of professional standards; sanctions against licensees**

Sec. 18. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5. In conducting proceedings under this chapter, the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

- (1) Forcibly and without the consent of the person in lawful possession, entered a building or portion of a building.
- (2) Impersonated, permitted an employee to personate, or aided and abetted an employee in impersonating:
  - (A) a law enforcement officer;
  - (B) an employee of the United States government;
  - (C) an employee of the state; or
  - (D) an employee of a political subdivision of the state.
- (3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license, or grounds for the denial of the application for a license.
- (4) Committed an act that is grounds for a denial for an application of a license under this chapter.

(Formerly: Acts 1961, c.163, s.18.) As amended by Acts 1978, P.L.2, SEC.2551; P.L.7-1987, SEC.127; P.L.234-1989, SEC.22; P.L.214-1993, SEC.76; P.L.3-2008, SEC.198.

#### **IC 25-30-1-19 Carrying weapons**

Sec. 19. Nothing in this chapter shall be construed to authorize any licensee to carry any weapon.

(Formerly: Acts 1961, c.163, s.19.) As amended by P.L.3-1989, SEC.147.

#### **IC 25-30-1-19.5 Action to collect fees; burden of proving licensure or exemption**

Sec. 19.5. A person that files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 22 of this chapter. As added by P.L.214-1993, SEC.77. As amended by P.L.185-2007, SEC.24.

#### **IC 25-30-1-20 Prosecuting attorneys; reporting violations**

Sec. 20. It shall be the duty of a prosecuting attorney to whom the board reports a violation of this chapter to cause proceedings to be commenced against a person violating this chapter and to prosecute the person to final termination.

(Formerly: Acts 1961, c.163, s.20.) As amended by P.L.234-1989, SEC.23.

#### **IC 25-30-1-21 Violations; fines; separate offenses; complaints**

Sec. 21. (a) A person who violates this chapter commits a Class A misdemeanor.

(b) A person violates this chapter if the person is not exempt under section 5 of this chapter, does not have a private investigator firm license, and knowingly or intentionally:

- (1) engages in the private investigator firm business;
- (2) solicits or advertises for business as a private investigator firm; or
- (3) in any way represents to be a private investigator firm.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding IC 35-50-3-2, the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

- (1) engages in business as a private investigator firm;
- (2) solicited or advertised for business as a private investigator firm; or
- (3) represented to be a private investigator firm;

without a private investigator firm license.

(f) A person who knowingly or intentionally fails or refuses to surrender a private investigator firm license issued under this chapter when the license is revoked by the board commits a Class A misdemeanor.

(Formerly: Acts 1961, c.163, s.21.) As amended by Acts 1978, P.L.2, SEC.2552; P.L.214-1993, SEC.78; P.L.1-1998, SEC.134; P.L.185-2007, SEC.25.

#### **IC 25-30-1-22 Activities by unlicensed persons; show cause notice; cease and desist order**

Sec. 22. (a) If the board determines that a person that is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

- (1) The date, time, and place of the hearing.
- (2) The alleged violation.
- (3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 21(b) of this chapter occurs may file an action in the name of the state for an injunction.

As added by P.L.214-1993, SEC.79. As amended by P.L.185-2007, SEC.26.

### **INDIANA CODE § 25-30-1.3**

#### **Chapter 1.3. Security Guard Agency Licensing**

##### **IC 25-30-1.3-1 "Board"**

Sec. 1. As used in this chapter, "board" refers to the private investigator and security guard licensing board established under IC 25-30-1-5.2.

As added by P.L.185-2007, SEC.27.

##### **IC 25-30-1.3-2 "Business Entity"**

Sec. 2. As used in this chapter, "business entity" means a firm, a company, an association, an organization, a partnership, or a corporation. As added by P.L.185-2007, SEC.27.

##### **IC 25-30-1.3-3 "Licensee"**

Sec. 3. As used in this chapter, "licensee" means a person licensed as a security guard agency under this chapter.

As added by P.L.185-2007, SEC.27.

##### **IC 25-30-1.3-4 "Person"**

Sec. 4. As used in this chapter, "person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation. As added by P.L.185-2007, SEC.27.



#### **IC 25-30-1.3-5 "Security guard agency"**

Sec. 5. As used in this chapter, "security guard agency" means a person that is in the business of providing, for hire or reward, a guard or other individual to:

- (1) protect persons or property; or
- (2) prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-6 Exceptions from licensing requirement**

Sec. 6. (a) For purposes of this section, "industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

(b) This chapter does not apply to the following:

- (1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer is engaged in the performance of the officer's official duties.
- (2) An employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17, to the extent that the employee is engaged in the performance of the employee's official duties.
- (3) The owner of an industrial plant or an employee of the owner of an industrial plant to the extent that the owner or the employee is hiring a plant security guard for the owner's industrial plant.
- (4) A retail merchant or an employee of the retail merchant to the extent that the retail merchant or the employee is hiring a security guard for the retail merchant's retail establishment.

*As added by P.L. 185-2007, SEC. 27. Amended by P.L. 3-2008, SEC. 199.*

#### **IC 25-30-1.3-7 Necessity of license**

Sec. 7. A person may not:

- (1) engage in business as a security guard agency;
- (2) solicit or advertise for business as a security guard agency; or
- (3) represent or hold a person out as a security guard agency;

unless the person is licensed as a security guard agency under this chapter.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-8 Application for license**

Sec. 8. (a) A person must apply for a license as a security guard agency by submitting the following to the board:

- (1) An application as described under subsection (b) and in a form prescribed by the board.
- (2) A licensing fee established by the board under IC 25-1-8.

(b) The application for licensure as a security guard agency must include the following:

- (1) The full name and business address, including street address, of the applicant.
- (2) The name under which the applicant intends to do business as a security guard agency.
- (3) The full name and residential address of each of the security guard agency's members, partners, officers, directors, and managers.
- (4) Proof of insurance required under section 16 of this chapter.
- (5) Other information, evidence, statements, or documents required by the board.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-9 Qualifications for license; grounds for denial**

Sec. 9. (a) The board may not issue a security guard agency license to an individual unless the individual:

- (1) is at least twenty-one (21) years of age; and
- (2) demonstrates the necessary knowledge and skills, as determined by the board, to conduct a security guard agency competently.

(b) The board may not issue a security guard agency license to a business entity unless:

- (1) one (1) officer in the case of a corporation; or

(2) one (1) partner in the case of a partnership; meets the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant, or if the applicant is a business entity, the officer or partner referred to in subsection (b):

- (1) has not committed an act, which, if committed by a licensee would be grounds for the suspension or revocation of a license under this chapter;
- (2) has not been convicted of:

- (A) a felony; or
- (B) a misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not while unlicensed, committed, or aided and abetted commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; and

(6) is not being sought under an active warrant against the applicant, officer, or partner.

*As added by P.L. 185-2007, SEC. 27. Amended by P.L. 3-2008, SEC. 200.*

#### **IC 25-30-1.3-10 Change in ownership**

Sec. 10. If a change in the ownership of a security guard agency results in the failure to meet the qualifications set forth in section 9 of this chapter:

- (1) the license for the security guard agency terminates on the date the change in ownership is effective; and
- (2) the security guard agency must file a new application for a license as a security guard agency with the board.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-11 Continuation of business after death of licensee**

Sec. 11. (a) Upon the death of an individual licensed under this chapter, the security guard agency with which the decedent was connected may be carried on for a period of ninety (90) days after the individual's death by the following:

(1) In the case of an individual licensee, the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a business entity, the other officers of the business entity.

(b) Upon the authorization of the board, a security guard agency may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) This section does not authorize the solicitation or acceptance of business after the death of an individual except as provided by this chapter.

(d) This section may not be construed to restrict the sale of a security guard agency if the vendee qualifies for a license under this chapter.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-12 Form of license; display; change of address; assignment of license**

Sec. 12. (a) A license, when issued, must be in a form determined by the board and must include the following:

(1) The full name of the licensee.

(2) The number and expiration date of the license.

(b) Upon the issuance of a security guard agency license, a pocket card shall be issued without charge to the licensee. If a license is revoked, the person whose license is revoked shall surrender the pocket card and, not later than five (5) days after revocation, shall mail or deliver the pocket card to the board for cancellation.

(c) A licensed security guard agency shall, not later than thirty (30) days after a change, notify the board of any changes to the:

- (1) licensee's address;
- (2) name under which the licensee does business; or
- (3) licensee's officers, directors, members, or partners.

(d) A license issued under this chapter is not assignable and is personal to the licensee.

(e) A licensee shall present, upon the request of any client, a pocket card license that indicates the:

- (1) license is active; and
- (2) licensee is in good standing.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-13 Employees of licensee**

Sec. 13. (a) A licensee may employ, to assist the licensee in the licensee's business as a security guard agency, as many unlicensed persons as necessary. The licensee is civilly responsible for the good conduct of all employees while the employees are acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to each of the licensee's employees, containing the following information:

- (1) A picture taken within thirty (30) days after the date that an employee commences employment with the licensee.
- (2) A full set of fingerprints of both hands of each employee.

(c) A licensee shall provide the board, at the board's request, a roster of all unlicensed persons employed by the security guard agency.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-14 Advertisements**

Sec. 14. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as it appears in the records of the board.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-15 Nonresident licensees**

Sec. 15. It is unlawful for a person licensed by any other state to do business in Indiana unless the person is licensed and authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of Indiana. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-16 Insurance**

Sec. 16. (a) An applicant for a security guard agency license must submit to the board a certificate of insurance or other evidence of financial responsibility that:

- (1) is approved by the board; and
- (2) meets the following requirements:
  - (A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.
  - (B) Provides for general liability coverage of at least one hundred thousand dollars (\$100,000).
  - (C) Lists the state as an additional insured.
  - (D) States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal of the policy.
  - (E) Contains any other terms and conditions established by the board.
- (b) The insurance referred to in subsection (a):
  - (1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a security guard agency;
  - (2) must include coverage for:
    - (A) false arrest, detention, or imprisonment;
    - (B) malicious prosecution; and
    - (C) wrongful entry or eviction or other invasion of the right of private occupancy; and
  - (3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if the injury arises solely from the use of reasonable force to protect persons or property.
- (c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended

under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of the following:

- (1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.
- (2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-17 Expiration and renewal of license**

Sec. 17. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated holder of the license meets the requirements under IC 25-1-8-6(c).

(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

*As added by P.L. 185-2007, SEC. 27. Amended by P.L. 105-2008, SEC. 58.*

#### **IC 25-30-1.3-18 Fees**

Sec. 18. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

(b) All fees collected under this chapter shall be deposited in the state general fund and shall be accounted for by the licensing agency.

(c) All fees collected under this chapter are nontransferable and nonrefundable.

*As added by P.L. 185-2007, SEC. 27.*

#### **IC 25-30-1.3-19 Administrative proceedings; violation of professional standards; sanctions against licensees**

Sec. 19. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5. In conducting proceedings under this chapter, the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

- (1) Forcibly and without the consent of the person in lawful possession, entered a building or part of a building.
- (2) Impersonated, permitted an employee to impersonate, or aided and abetted an employee in impersonating:
  - (A) a law enforcement officer;
  - (B) an employee of the United States government;
  - (C) an employee of the state; or
  - (D) an employee of a political subdivision of the state.
- (3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license, or grounds for the denial of the application for a license.
- (4) Committed an act that is grounds for a denial of an application for a license under this chapter.

*As added by P.L. 185-2007, SEC. 27. Amended by P.L. 3-2008, SEC. 201.*

#### **IC 25-30-1.3-20 Carrying weapons**

Sec. 20. This chapter may not be construed to authorize any licensee to carry any weapon.

As added by P.L.185-2007, SEC.27.

**IC 25-30-1.3-21 Action to collect fees; burden of proving licensure exemption**

Sec. 21. A person that files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 23 of this chapter.

As added by P.L.185-2007, SEC.27.

**IC 25-30-1.3-22 Prosecuting attorneys; reporting violations**

Sec. 22. A prosecuting attorney to whom the board reports a violation of this chapter shall cause proceedings to be commenced against a person or a business entity violating this chapter and to prosecute the person or the business entity to final termination.

As added by P.L.185-2007, SEC.27.

**IC 25-30-1.3-23 Violations; fines; separate offenses; complaints**

Sec. 23. (a) A person who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 6 of this chapter, who does not have a security guard agency license, and who recklessly, knowingly, or intentionally:

- (1) engages in business as a security guard agency;
  - (2) solicits or advertises for business as a security guard agency; or
  - (3) in any way represents to be a security guard agency;
- commits a Class A misdemeanor.

(c) In addition to any other penalty imposed on the person, the court shall fine a person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding IC 35-50-3-2, the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 24 of this chapter is sufficient if the complaint alleges that a person or business entity on a specific day in a specific county:

- (1) engaged in business as a security guard agency;
  - (2) solicited or advertised for business as a security guard agency; or
  - (3) represented to be a security guard agency;
- without a security guard agency license.

(f) A person who recklessly, knowingly, or intentionally fails or refuses to surrender a security guard agency license issued under this chapter when the license is revoked by action of the board commits a Class A misdemeanor.

As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.202.

**IC 25-30-1.3-24 Activities by unlicensed persons; show cause notice; cease and desist order**

Sec. 24. (a) If the board determines that a person that is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

- (1) The date, time, and place of the hearing.
- (2) The alleged violation.
- (3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 23(b) of this chapter occurs may file an

action in the name of the state for an injunction.

As added by P.L.185-2007, SEC.27.

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**Non-Code Provisions under Public Law 185-2007**

**P.L.185-2007, SECTION 29.**

(a) The private detective licensing board is abolished. The powers, rights, obligations, functions, liabilities, and assets of the private detective licensing board as of June 30, 2007, shall be transferred to the private investigator and security guard licensing board, as established by this act on July 1, 2007.

(b) This SECTION expires July 1, 2009.

**P.L.185-2007, SECTION 30.**

(a) Notwithstanding IC 25-30-1-5.2, as added by this act, the initial terms of the members of the private investigator and security guard licensing board are as follows:

(1) The term of a member appointed under IC 25-30-1-5.2(b)(2)(A) and IC 25-30-1-5.2(b)(2)(C), as added by this act, is two (2) years.

(2) The term of a member appointed under IC 25-30-1-5.2(b)(2)(B) and IC 25-30-1-5.2(b)(2)(D), as added by this act, is three (3) years.

(b) This SECTION expires July 1, 2011.

**P.L.185-2007, SECTION 31.**

(a) The definitions in IC 25-30-1-2 and IC 25-30-1.3-1 through IC 25-30-1.3-5 apply throughout this SECTION.

(b) Notwithstanding IC 25-30-1, as amended by this act, and IC 25-30-1.3, as added by this act, the board may issue a license as a private investigator firm or a security guard agency to a person that:

(1) holds a license as a private detective business under IC 25-30-1, as amended by this act, on June 30, 2007; and

(2) verifies to the board before December 31, 2007, that the person meets the qualifications required to hold a license as a:

- (A) private investigator firm under IC 25-30-1; or
- (B) security guard agency under IC 25-30-1.3.

(c) This SECTION expires January 1, 2008.

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INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c. 124, s. 1; Acts 1941, c. 61, s. 1; Acts 1943, c. 124, s. 1; Acts 1953, c. 208, s. 1.) As amended by Acts 1978, P.L. 2, SEC. 2501.

IC 25-1-1-2 License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c. 124, s. 2; Acts 1972, P.L. 183, SEC. 1.)

IC 25-1-1-3 Repealed

(Repealed by Acts 1978, P.L. 2, SEC. 2570.)

IC 25-1-1-4 Repealed

(Repealed by Acts 1978, P.L. 2, SEC. 2570.)

INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L. 249, SEC. 1.) As amended by Acts 1978, P.L. 2, SEC. 2502; P.L. 67-1990, SEC. 6.

IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L. 67-1990, SEC. 7. Amended by P.L. 1-1991, SEC. 162; P.L. 17-2001, SEC. 5; P.L. 151-2006, SEC. 10.

IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

As added by P.L. 67-1990, SEC. 8. Amended by P.L. 182-1991, SEC. 1; P.L. 17-2001, SEC. 6; P.L. 1-2002, SEC. 94; P.L. 151-2006, SEC. 11.

INDIANA CODE § 25-1-1.2

Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

#### **IC 25-1-1.2-1 "Applicant" defined**

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L. 133-1995, SEC. 19.*

#### **IC 25-1-1.2-2 "Board" defined**

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.*

#### **IC 25-1-1.2-3 "Bureau" defined**

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 145-2006, SEC. 157.*

#### **IC 25-1-1.2-4 "Delinquent" defined**

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 18.*

#### **IC 25-1-1.2-5 "License" defined**

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

*As added by P.L. 133-1995, SEC. 19.*

#### **IC 25-1-1.2-6 "Practitioner" defined**

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L. 133-1995, SEC. 19.*

#### **IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement**

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

- (1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
- (2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 19; P.L. 1-1997, SEC. 109.*

#### **IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement**

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

- (1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

- (2) Describes the amount of child support that the practitioner is in arrears.

- (3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

- (4) Explains that the practitioner may contest the bureau's

determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

- (5) Explains that the only basis for contesting the bureau's

determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

- (6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(C) request a hearing under IC 31-25-4-33.

- (7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

- (1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

- (2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

- (c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.*

#### **IC 25-1-1.2-9 Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

#### **IC 25-1-1.2-10 Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

### **INDIANA CODE § 25-1-2**

#### **Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration**

##### **IC 25-1-2-1 Declaration of intent**

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

*(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.*

##### **IC 25-1-2-2 Repealed**

*(Repealed by P.L.1-1990, SEC.247.)*

##### **IC 25-1-2-2.1 Two year or longer period for certain licenses**

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.

- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors.

*As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6*

##### **IC 25-1-2-3 Authorization to issue and reissue two year licenses**

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

*(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.*

##### **IC 25-1-2-4 Rebates and proration of fees**

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.

*(Formerly: Acts 1961, c.79, s.4.)*

##### **IC 25-1-2-5 Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

*(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.*

##### **IC 25-1-2-6 Version a. Definitions; application of section; notice to licensee of need to renew**

*Note: This version of section effective until 7-1-2011. See also following version of this section, effective 7-1-2011.*

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.

- (5) State board of cosmetology and barber examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) Board of chiropractic examiners.
- (25) Mining board.
- (26) Indiana board of veterinary medical examiners.
- (27) State department of health.
- (28) Indiana physical therapy committee.
- (29) Respiratory care committee.
- (30) Occupational therapy committee.
- (31) Behavioral health and human services licensing board.
- (32) Real estate appraiser licensure and certification board.
- (33) State board of registration for land surveyors.
- (34) Physician assistant committee.
- (35) Indiana dietitians certification board.
- (36) Attorney general (only for the regulation of athlete agents).
- (37) Manufactured home installer licensing board.
- (38) Home inspectors licensing board.
- (39) State board of massage therapy.
- (40) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

*As added by Acts 1981, P.L. 221, SEC.1. Amended by P.L. 137-1985, SEC.5; P.L. 246-1985, SEC.13; P.L. 169-1985, SEC.22; P.L. 149-1987, SEC.17; P.L. 5-1988, SEC.132; P.L. 28-1988, SEC.73; P.L. 242-1989, SEC.4; P.L. 234-1989, SEC.1; P.L. 238-1989, SEC.4; P.L. 186-1990, SEC.2; P.L. 183-1991, SEC.2; P.L. 23-1991, SEC.7; P.L. 48-1991, SEC.12; P.L. 2-1992, SEC.765; P.L. 227-1993, SEC.3; P.L. 33-1993, SEC.9; P.L. 124-1994, SEC.2; P.L. 175-1997, SEC.3; P.L. 125-1997, SEC.17; P.L. 147-1997, SEC.6; P.L. 253-1997(ss), SEC.22; P.L. 24-1999, SEC.2; P.L. 82-2000, SEC.2; P.L. 54-2001, SEC.4; P.L. 162-2002, SEC.2; P.L. 145-2003, SEC.2; P.L. 185-2007, SEC.1; P.L. 200-2007, SEC.3; P.L. 3-2008, SEC.176; P.L. 122-2009, SEC.1; P.L. 160-2009, SEC.4; P.L. 1-2010, SEC.100; P.L. 84-2010, SEC.7; P.L. 113-2010, SEC.100; P.L. 42-2011, SEC.49.*

#### **IC 25-1-2-7 Application of IC 25-1-2-6**

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

*As added by P.L. 37-1985, SEC.56.*

#### **IC 25-1-2-8 Application of chapter; fees**

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10

IC 16-19-5-2

IC 25-30-1-17

IC 33-42-2-1.

*As added by P.L. 5-1988, SEC.133. Amended by P.L. 2-1993, SEC.135; P.L. 1-1995, SEC.69; P.L. 98-2004, SEC.98.*

#### **IC 25-1-2-9 Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

### **INDIANA CODE § 25-1-3**

#### **Chapter 3. Civil Immunity of Regulatory Agencies**

##### **IC 25-1-3-1 Definitions**

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

*(Formerly: Acts 1975, P.L. 268, SEC.1.)*

##### **IC 25-1-3-2 Extent of immunity from civil liability**

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

*(Formerly: Acts 1975, P.L. 268, SEC.1.)*

##### **IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings**

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

*(Formerly: Acts 1975, P.L. 268, SEC.1.)*

##### **IC 25-1-3-4 Regulatory boards covered**

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

*(Formerly: Acts 1975, P.L. 268, SEC.1.)*

### **INDIANA CODE § 25-1-4-0.3**

#### **Chapter 4. Professional Licensing Agency**

##### **IC 25-1-4-0.3 "Board" defined**

Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2-1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5-1-2-1).
- (4) Indiana auctioneer commission (IC 25-6-1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).



- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5)
  - (13) Home inspectors licensing board (IC 25-20.2-3-1).
  - (14) State board of registration for land surveyors (IC 25-21.5-2-1).
  - (15) Manufactured home installer licensing board (IC 25-23.7).
  - (16) Medical licensing board of Indiana (IC 25-22.5-2).
  - (17) Indiana state board of nursing (IC 25-23-1).
  - (18) Occupational therapy committee (IC 25-23.5).
  - (19) Indiana optometry board (IC 25-24).
  - (20) Indiana board of pharmacy (IC 25-26).
  - (21) Indiana physical therapy committee (IC 25-27-1).
  - (22) Physician assistant committee (IC 25-27.5).
  - (23) Indiana plumbing commission (IC 25-28.5-1-3).
  - (24) Board of podiatric medicine (IC 25-29-2-1).
  - (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
  - (26) State psychology board (IC 25-33).
  - (27) Indiana real estate commission (IC 25-34.1-2).
  - (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
  - (29) Respiratory care committee (IC 25-34.5).
  - (30) Behavioral health and human services licensing board (IC 25-23.6).
  - (31) Speech-language pathology and audiology board (IC 25-35.6-2).
  - (32) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- As added by Acts 1981, P.L. 221, SEC.1. Amended by P.L. 137-1985, SEC.5; P.L. 246-1985, SEC.13; P.L. 169-1985, SEC.22; P.L. 149-1987, SEC.17; P.L. 5-1988, SEC.132; P.L. 28-1988, SEC.73; P.L. 242-1989, SEC.4; P.L. 234-1989, SEC.1; P.L. 238-1989, SEC.4; P.L. 186-1990, SEC.2; P.L. 183-1991, SEC.2; P.L. 23-1991, SEC.7; P.L. 48-1991, SEC.12; P.L. 2-1992, SEC.765; P.L. 227-1993, SEC.3; P.L. 33-1993, SEC.9; P.L. 124-1994, SEC.2; P.L. 175-1997, SEC.3; P.L. 125-1997, SEC.17; P.L. 147-1997, SEC.6; P.L. 253-1997(ss), SEC.22; P.L. 24-1999, SEC.2; P.L. 82-2000, SEC.2; P.L. 54-2001, SEC.4; P.L. 162-2002, SEC.2; P.L. 145-2003, SEC.2; P.L. 185-2007, SEC.1; P.L. 200-2007, SEC.3; P.L. 3-2008, SEC.176; P.L. 160-2009, SEC.4; P.L. 122-2009, SEC.1; P.L. 84-2010, SEC. 8.*

## INDIANA CODE § 25-1-6

### Chapter 6. Professional Licensing Agency

#### IC 25-1-6-1 Legislative intent

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L. 222, SEC.3. Amended by P.L. 132-1984, SEC.2; P.L. 194-2005, SEC. 1.*

#### IC 25-1-6-2 Definitions

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

*As added by Acts 1981, P.L. 222, SEC.3. Amended by P.L. 132-1984, SEC.3; P.L. 206-2005, SEC. 8.*

#### IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (5) State board of funeral and cemetery service (IC 25-15-9).
- (6) State board of registration for professional engineers (IC 25-31-1-3).
- (7) Indiana plumbing commission (IC 25-28.5-1-3).
- (8) Indiana real estate commission (IC 25-34.1).
- (9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (10) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (11) State board of registration for land surveyors (IC 25-21.5-2-1).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

*As added by Acts 1981, P.L. 222, SEC.3. Amended by Acts 1982, P.L. 113, SEC.10; P.L. 132-1984, SEC.4; P.L. 246-1985, SEC.14; P.L. 257-1987, SEC.14; P.L. 234-1989, SEC.2; P.L. 186-1990, SEC.4; P.L. 23-1991, SEC.8; P.L. 48-1991, SEC.15; P.L. 1-1992, SEC.129; P.L. 30-1993, SEC.4; P.L. 234-1995, SEC.2; P.L. 82-2000, SEC.3; P.L. 227-2001, SEC.3; P.L. 162-2002, SEC.3; P.L. 145-2003, SEC.3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9; P.L. 185-2007, SEC.3; P.L. 200-2007, SEC.4; P.L. 3-2008, SEC.177; P.L. 160-2009, SEC.6, 84-2010, SEC 11.*

#### IC 25-1-6-4 Additional duties and functions; staff

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
  - (2) recordkeeping of board meetings, proceedings, and actions;
  - (3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;
  - (4) administration of examinations; and
  - (5) administration of license or certificate issuance or renewal
- (b) In addition, the licensing agency:
- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
  - (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
  - (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.
- (c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:
- (1) renew the license or certificate; and
  - (2) pay the renewal fee.
- (d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.
- (e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:



(1) meets the minimum requirements for licensure or certification; and

(2) is not in violation of:

- (A) the law regulating the applicant's profession; or
- (B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
- (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
- (3) Renew the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

- (1) denied; or
- (2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L. 222, SEC.3. Amended by P.L. 132-1984, SEC.5; P.L. 194-2005, SEC. 3.*

#### **IC 25-1-6-5 Executive director**

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other

statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

*As added by Acts 1981, P.L. 222, SEC.3. Amended by Acts 1982, P.L. 113, SEC.11; P.L. 132-1984, SEC.6; P.L. 49-1997, SEC.64; P.L. 194-2005, SEC. 4.*

#### **IC 25-1-6-5.5 Appeal of license renewal denial**

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21-5-3.

*As added by P.L. 227-2001, SEC.4. Amended by P.L. 1-2002, SEC.95; P.L. 194-2005, SEC. 5.*

#### **IC 25-1-6-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

*As added by Acts 1981, P.L. 222, SEC.3. Amended by P.L. 132-1984, SEC.7.*

#### **IC 25-1-6-7 Repealed**

*(Repealed by P.L. 186-1990, SEC.17.)*

#### **IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Sec. 8. (a) The bureau and the boards may allow the department of state revenue access to the name of each person who:

- (1) is licensed under this chapter or IC 25-1-5; or
- (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

- (1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).  
*As added by P.L. 26-1985, SEC. 20. Amended by P.L. 332-1989(ss), SEC. 46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10.*

#### **IC 25-1-6-9 Repealed**

*(Repealed by P.L. 186-1990, SEC. 17.)*

#### **IC 25-1-6-10 Provision of social security numbers; access to numbers**

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

*As added by P.L. 157-2006, SEC. 19.*

### **INDIANA CODE § 25-1-7**

#### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

##### **IC 25-1-7-1 Definitions**

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) Board of chiropractic examiners (IC 25-10-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of dentistry (IC 25-14-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana state board of health facility administrators (IC 25-19-1).
- (10) Medical licensing board of Indiana (IC 25-22.5-2).
- (11) Indiana state board of nursing (IC 25-23-1).
- (12) Indiana optometry board (IC 25-24).
- (13) Indiana board of pharmacy (IC 25-26).
- (14) Indiana plumbing commission (IC 25-28.5-1-3).
- (15) Board of podiatric medicine (IC 25-29-2-1).

(16) State psychology board (IC 25-33).

(17) Speech-language pathology and audiology board (IC 25-35.6-2).

(18) Indiana real estate commission (IC 25-34.1-2).

(19) Indiana board of veterinary medical examiners (IC 25-38.1).

(20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(21) Respiratory care committee (IC 25-34.5).

(22) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(23) Occupational therapy committee (IC 25-23.5).

(24) Behavioral health and human services licensing board (IC 25-23.6).

(25) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(26) State board of registration for land surveyors (IC 25-21.5-2-1).

(27) Physician assistant committee (IC 25-27.5).

(28) Indiana athletic trainers board (IC 25-5.1-2-1).

(29) Indiana dietitians certification board (IC 25-14.5-2-1).

(30) Indiana physical therapy committee (IC 25-27).

(31) Manufactured home installer licensing board (IC 25-23.7).

(32) Home inspectors licensing board (IC 25-20.2-3-1).

(33) State department of health, for out-of-state mobile health care entities.

(34) State board of massage therapy (IC 25-21.8-2-1).

(35) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L. 222, SEC. 4. Amended by Acts 1982, P.L. 113, SEC. 12; P.L. 137-1985, SEC. 7; P.L. 246-1985, SEC. 15; P.L. 169-1985, SEC. 29; P.L. 149-1987, SEC. 21; P.L. 257-1987, SEC. 15; P.L. 242-1989, SEC. 6; P.L. 234-1989, SEC. 3; P.L. 238-1989, SEC. 6; P.L. 1-1990, SEC. 249; P.L. 186-1990, SEC. 5; P.L. 183-1991, SEC. 3; P.L. 23-1991, SEC. 9; P.L. 48-1991, SEC. 16; P.L. 1-1992, SEC. 130; P.L. 30-1993, SEC. 5; P.L. 227-1993, SEC. 5; P.L. 213-1993, SEC. 2; P.L. 8-1993, SEC. 371; P.L. 33-1993, SEC. 11; P.L. 1-1994, SEC. 120; P.L. 124-1994, SEC. 4; P.L. 234-1995, SEC. 3; P.L. 175-1997, SEC. 5; P.L. 147-1997, SEC. 8; P.L. 84-1998, SEC. 3; P.L. 24-1999, SEC. 4; P.L. 82-2000, SEC. 4; P.L. 162-2002, SEC. 4; P.L. 145-2003, SEC. 4; P.L. 185-2007, SEC. 4; P.L. 193-2007, SEC. 4; P.L. 200-2007, SEC. 5; P.L. 3-2008, SEC. 178; P.L. 134-2008, SEC. 16; P.L. 1-2009, SEC. 138; P.L. 122-2009, SEC. 5; P.L. 160-2009, SEC. 7; P.L. 1-2010, SEC. 102; P.L. 84-2010, SEC. 12; P.L. 113-2010, SEC. 101; P.L. 42-2011, SEC. 51.*

##### **IC 25-1-7-2 Duties of attorney general**

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

*As added by Acts 1981, P.L. 222, SEC. 4.*

##### **IC 25-1-7-3 Investigation of complaints**

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

*As added by Acts 1981, P.L. 222, SEC. 4.*

##### **IC 25-1-7-4 Complaints; requisites; standing**

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

*As added by Acts 1981, P.L. 222, SEC. 4.*

##### **IC 25-1-7-5 Duties and powers of director**

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

- (A) a member of any of the boards listed in section 1 of this chapter; or
- (B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L. 206-2005, SEC. 11.*

#### **IC 25-1-7-6 Statement of settlement; period of time to resolve**

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

- (A) a member of any of the boards listed in section 1 of this chapter; or
- (B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L. 206-2005, SEC. 12.*

#### **IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-8 Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-9 Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in

negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.*

#### **IC 25-1-7-10 Confidentiality of complaints and information**

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167.*

#### **IC 25-1-7-11 Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.*

#### **IC 25-1-7-12 Reimbursement of attorney general**

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee;

and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

*As added by P.L.255-1987, SEC.1.*

#### **IC 25-1-7-13 Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

*As added by P.L.177-1997, SEC.1.*

#### **IC 25-1-7-14 Cease and desist**

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that person is

engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from criminal prosecution.

*As added by P.L. 84-2010, SEC.13.*

## INDIANA CODE § 25-1-8

### Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

#### IC 25-1-8-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State athletic commission (IC 25-9-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2-1).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (21) Department of insurance (IC 27-1).
- (22) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5-2-1).
- (26) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).

(30) Indiana athletic trainers board (IC 25-5.1-2-1).

(31) Board of podiatric medicine (IC 25-29-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana physical therapy committee (IC 25-27).

(34) Manufactured home installer licensing board (IC 25-23-7).

(35) Home inspectors licensing board (IC 25-20.2-3-1).

(36) State board of massage therapy (IC 25-21.8-2-1).

(37) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L. 223, SEC.1. Amended by P.L. 250-1983, SEC.1; P.L. 246-1985, SEC.16; P.L. 169-1985, SEC.30; P.L. 19-1986, SEC.42; P.L. 149-1987, SEC.22; P.L. 257-1987, SEC.16; P.L. 3-1989, SEC.144; P.L. 234-1989, SEC.4; P.L. 186-1990, SEC.6; P.L. 183-1991, SEC.4; P.L. 23-1991, SEC.10; P.L. 48-1991, SEC.17; P.L. 1-1992, SEC.131; P.L. 30-1993, SEC.6; P.L. 33-1993, SEC.12; P.L. 213-1993, SEC.3; P.L. 227-1993, SEC.6; P.L. 1-1994, SEC.121; P.L. 124-1995, SEC.5; P.L. 234-1995, SEC.4; P.L. 147-1997, SEC.9; P.L. 84-1998, SEC.4; P.L. 24-1999, SEC.5; P.L. 82-2000, SEC.5; P.L. 162-2002, SEC.5; P.L. 2-2003, SEC.64; P.L. 145-2003, SEC.5; P.L. 185-2007, SEC.5; P.L. 200-2007, SEC.6; P.L. 3-2008, SEC.179; P.L. 122-2009, SEC.6; P.L. 160-2009, SEC.8, P.L. 84-2010, SEC. 14.*

#### IC 25-1-8-1.1 Repealed

*(Repealed by P.L. 19-1986, SEC.43.)*

#### IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L. 223, SEC.1. Amended by Acts 1982, P.L. 113, SEC.13; P.L. 169-1985, SEC.31; P.L. 48-1991, SEC.18; P.L. 33-1993, SEC.13; P.L. 235-1995, SEC.1; P.L. 197-2007, SEC.19.*

#### IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L. 113, SEC.14.*

#### **IC 25-1-8-4 Quadrennial license renewal system**

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L. 234-1983, SEC.3.*

#### **IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review**

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

*As added by P.L. 169-1985, SEC.32. Amended by P.L. 152-1988, SEC.5; P.L. 48-1991, SEC.19.*

#### **IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses**

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2-1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5-1-2-1).
- (4) Indiana auctioneer commission (IC 25-6-1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-

23.6).

(31) Speech-language pathology and audiology board (IC 25-35.6-2).

(32) Indiana board of veterinary medical examiners (IC 25-38.1).

(33) State board of massage therapy (IC 25-21.8-2-1). (b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

*As added by P.L. 269-2001, SEC.5. Amended by P.L. 206-2005, SEC. 13; P.L. 157-2006, SEC.20; P.L. 185-2007, SEC.6; P.L. 197-2007, SEC.20; P.L. 3-2008, SEC.180; P.L. 105-2008, SEC.2; P.L. 122-2009, SEC.7; P.L. 160-2009, SEC.9, P.L. 84-2010, SEC. 15.*

#### **IC 25-1-8-7 Repealed**

*(Repealed by P.L. 157-2006, SEC.76.)*

#### **IC 25-1-8-8 License reinstatement; grounds for denial**

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in

subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
  - (2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
  - (3) Reinstatement of the license and file a complaint under IC 25-1-7.
  - (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.
  - (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.
- (c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).
- (d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.
- (e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:
- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
  - (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
  - (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

*As added by P.L. 197-2007, SEC. 21.*

## INDIANA CODE § 25-1-10

### Chapter 10. Reserved

## INDIANA CODE § 25-1-11

### Chapter 11. Professional Licensing Standards of Practice

#### IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State athletic commission (IC 25-9-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of registration of land surveyors (IC 25-21.5-2-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1-2-1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(12) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(13) Manufactured home installer licensing board (IC 25-23-7).

(14) Home inspectors licensing board (IC 25-20.2-3-1)

(15) State board of massage therapy (IC 25-21.8-2-1)

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 2-1995, SEC. 93; P.L. 234-1995, SEC. 5; P.L. 82-2000, SEC. 6; P.L. 162-2002, SEC. 6; P.L. 145-2003, SEC. 6; P.L. 185-2007, SEC. 7; P.L. 200-2007, SEC. 7; P.L. 3-2008, SEC. 181; P.L. 160-2009, SEC. 10, P.L. 84-2010 SEC. 18.*

#### IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 236-1995, SEC. 1.*

#### IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L. 214-1993, SEC. 1.*

#### IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 236-1995, SEC. 2.*

#### IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

- (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (B) engaged in fraud or material deception in the course of professional services or activities;
- (C) advertised services or goods in a false or misleading manner; or
- (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices.

(2) a practitioner has been convicted of a crime that:

- (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
- (B) is harmful to the public.

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

- (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

- (C) physical or mental disability; or
- (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(9) a practitioner has allowed a license issued by a

board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 84-1998, SEC. 6; P.L. 113-1999, SEC. 1; P.L. 197-2007, SEC. 24.*

#### **IC 25-1-11-6 Architect or landscape architect; grounds for disciplinary sanctions**

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions**

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2;

or

(2) keep the funds of others separate from the practitioner's own private accounts.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-8 Barbers; grounds for disciplinary sanctions**

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions**

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-9.5 Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

#### **IC 25-1-11-10 Physical and mental examination of practitioner**

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 1.*

*Amended by P.L. 194-2005, SEC. 7.*

#### **IC 25-1-11-11 Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-12 Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 32-2000, SEC. 12; P.L. 177-2009, SEC. 17.*



**IC 25-1-11-13 Summary suspension of practitioners; real estate appraisers; notification by consumer protection division**

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend the practitioner's license; and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.*

**IC 25-1-11-14 Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.*

**IC 25-1-11-15 Reinstatement of revoked license**

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L.214-1993, SEC.1.*

**IC 25-1-11-16 Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.214-1993, SEC.1.*

**IC 25-1-11-17 Surrender of practitioner license**

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

(1) has filed an administrative complaint concerning the practitioner's license; and

(2) opposes the surrender of the practitioner's license.

*As added by P.L.214-1993, SEC.1. Amended by P.L.105-2009, SEC.13; P.L.52-2009, SEC.10.*

**IC 25-1-11-18 Costs; practitioners subjected to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.

(2) Transcripts.

(3) Certification of documents.

(4) Photo duplication.

(5) Witness attendance and mileage fees.

(6) Postage.

(7) Expert witnesses.

(8) Depositions.

(9) Notarizations.

(10) Administrative law judges.

(11) Real estate review appraisals, if applicable.

*As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.105-2009, SEC.14; P.L.52-2009, SEC.11.*

**IC 25-1-11-19 Refusal of licensure or granting of probationary license**

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.*

**IC 25-1-11-20 Applicant appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L.194-2005, SEC.10.*

**IC 25-1-11-21 Adoption of rules; spouses of active duty military personnel**



Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

*As added by P.L.144-2007, SEC.26.*

## INDIANA CODE § 25-1-12

### Chapter 12. Renewal of Licenses Held by Individuals in Military Service

#### IC 25-1-12-1 Applicability of chapter

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
- (2) is called to active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61.*

#### IC 25-1-12-2 "Active duty" defined

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

*As added by P.L.88-2004, SEC.2.*

#### IC 25-1-12-3 "Armed forces of the United States" defined

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.*

#### IC 25-1-12-4 "National guard" defined

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

*As added by P.L.88-2004, SEC.2.*

#### IC 25-1-12-5 "Practitioner" defined

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title, IC 16, or IC 22.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.*

#### IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and

(2) complete the continuing education required by; the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.

(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.

(3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:

(A) discharge; or

(B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.*

#### IC 25-1-12-7 Waiver of late fees

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

*As added by P.L.88-2004, SEC.2.*

#### IC 25-1-12-8 Construction with federal law

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

*As added by P.L.88-2004, SEC.2.*

## INDIANA CODE § 25-1-14

### Chapter 14. Meetings

#### IC 25-1-14-1 Applicability

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.

*As added by P.L.179-2007, SEC.14.*

#### IC 25-1-14-2 Participation by member not physically present at meeting

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

(1) except as provided in subsections (b) and (c), at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the state athletic commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing, sparring, or unarmed combat match or exhibition under IC 25-9-1-6(b) by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c):

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

*As added by P.L. 179-2007, SEC. 14. Amended by P.L. 105-2008, SEC. 3; P.L. 160-2009, SEC. 11.*

#### **IC 25-1-14-3 Member considered present**

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

*As added by P.L. 179-2007, SEC. 14.*

#### **IC 25-1-14-4 Meeting memoranda requirements**

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and

(3) each member who was absent.

*As added by P.L. 179-2007, SEC. 14.*

### **INDIANA CODE § 25-1-16**

#### **Chapter 16. Evaluation of regulated occupations**

##### **Chapter 16. Evaluation of Regulated Occupations**

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

Sec. 3. As used in this chapter, "committee" means the regulated occupations evaluation committee established by section 6 of this chapter.

Sec. 4. As used in this chapter, "license" means:

(1) an unlimited license, certificate, or registration;

(2) a limited or probationary license, certificate, or registration;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) a provisional license;

issued by the board regulating the regulated occupation in question.

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

Sec. 6. The regulated occupations evaluation committee is established.

Sec. 7. (a) The committee consists of the following individuals:

(1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.

(2) The director of the agency or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(4) or (a)(5) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.

(6) Any recommendations for administrative changes.

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.

Sec. 11. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 13. The committee shall submit a report to the:

(1) governor;

(2) health finance commission; and

(3) legislative services agency; not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6. As added by P.L. 84-2010, SEC. 19.

#### Non-Code Provision under Public Law 206-2005

##### P.L. 206-2005, SECTION 16

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

#### Non-Code Provision under Public Law 177-2009

##### P.L. 177-2009, SECTION 66.

(a) As used in this SECTION, "board" means a board, commission, or committee.

(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.

(c) The professional licensing study committee is established.

(d) The committee shall do the following:

(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.

(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision (1), including the following recommendations:

(A) Eliminating the board.

(B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.

(C) Requiring registration of a profession or occupation through the electronic registry of professions under IC 25-1-5.5, as added by this act.

(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.

#### TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

NOTE: Agency abolished by P.L. 185-2007, SECTION 29, effective July 1, 2007.

#### TITLE 874 PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD

##### ARTICLE 1.

##### PRIVATE INVESTIGATOR FIRMS AND SECURITY GUARD AGENCIES

##### Rule 1. General Provisions

##### 874 IAC 1-1-1 Definitions

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1; IC 25-30-1.3

Sec. 1. (a) The definitions in IC 25-30 and this section apply throughout this article.

(b) For purposes of IC 25-30-1-2 and IC 25-30-1.3-5, "for hire or reward" means to charge a monetary fee or receive any item of pecuniary value for the provision of private investigative or security guard services.

(c) "Manager or administrator" means an employee who is involved in the daily operations of the business entity by which he or she is employed.

(d) For purposes of IC 25-30-1.3-6(b)(1), "official duties" means duties performed by:

(1) a law enforcement officer while on duty and in an official capacity as an employee of a law enforcement agency; or

(2) a law enforcement officer, special deputy, or reserve officer while off duty and performing a paid detail assignment that has been assigned to the law enforcement officer, special deputy, or reserve officer by the law enforcement agency to which the:

(A) law enforcement officer or special deputy is employed; or

(B) reserve officer is employed or serves as a volunteer.

(e) "Qualifier" means an individual for a sole proprietorship applicant, one (1) individual of a partnership applicant, or one

(1) officer of a corporate applicant who meets the experience requirements under:

(1) IC 25-30-1-8(a)(2) and 874 IAC 1-2-1 for obtaining a private investigator firm license; or

(2) IC 25-30-1.3-9(a)(2) and 874 IAC 1-3-1 for obtaining a security guard agency license.

(Private Investigator and Security Guard Licensing Board; 874 IAC 1-1-1; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)

##### 874 IAC 1-1-2 Advertising

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-13; IC 25-30-1.3-14; IC 35-43-4-3; IC 35-43-5-3

Sec. 2. (a) Any advertisement by a licensee, or by any employee, member, officer, director, or manager of a licensee, must contain the full name, business address, license type, and license number of the licensee as they appear in the records of the board.

The advertising shall include, but is not limited to, the following:

(1) Business cards.

(2) Identification cards.

(3) Letterheads.

(4) Invoices.

(5) Business websites.

(6) Other forms that may be used to advertise the licensee's business.

(b) No written or verbal advertisement by any licensee, or by any employee, member, officer, director, or manager of a licensee, shall contain any:

(1) wording;

(2) slogans;

- (3) logos;
- (4) seals;
- (5) graphics; or
- (6) other inference;

that the licensee or any such person is connected with or in any manner represents any local, state, or federal law enforcement agency.

(c) This section shall not be construed to prevent the proper use of the forms and cards authorized by the board, or any other legitimate advertising, but is intended solely for the purpose of preventing misleading or false advertising within the meaning and  
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intent of IC 35-43-5-2.5 and IC 35-43-5-3. (*Private Investigator and Security Guard Licensing Board*; 874 IAC 1-1-2; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)

#### **874 IAC 1-1-3 Renewal of license**

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-16; IC 25-30-1.3-17

Sec. 3. (a) All licenses issued by the board expire on October 1, 2011, and every four (4) years from that date.

(b) It is the responsibility of the licensee to notify the Indiana professional licensing agency of an address change. (*Private Investigator and Security Guard Licensing Board*; 874 IAC 1-1-3; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)

#### **874 IAC 1-1-4 Renewal of license; limited criminal history background checks**

Authority: IC 25-30-1-5.5

Affected: IC 25-1-7; IC 25-30-1-16; IC 25-30-1.3-17

Sec. 4. (a) All individuals serving as a qualifier for a licensed private investigator firm or licensed security guard agency shall obtain a limited criminal history background check from each state in which the qualifier has resided during the previous four (4) years preceding the filing of the application for renewal of a private investigator firm license or security guard agency license.

(b) Qualifiers shall maintain copies of the limited criminal history background check for a period of not less than four (4) years.

(c) The board may require a qualifier to submit the limited criminal history background check under any of the following circumstances:

- (1) At the time of renewal and as a condition for renewal.
- (2) Within one (1) year of the most recent renewal deadline as part of a random audit.
- (3) At any other time as part of an ongoing investigation under IC 25-1-7. (*Private Investigator and Security Guard Licensing Board*; 874 IAC 1-1-4; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)

### **Rule 2. Private Investigator Firm Licensing**

#### **874 IAC 1-2-1 Experience and education requirements**

Authority: IC 25-30-1-5.5

Affected: IC 8-3-17; IC 25-30-1-8; IC 25-30-1.3

Sec. 1. (a) This section establishes the experience requirements under IC 25-30-1-8(a)(2) for a private investigator firm license.

All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed private investigator firm, must meet the requirements in this section.

(b) The experience requirements may be satisfied by completing the employment experience in subdivision (1) or the educational experience in subdivision (2) as follows:

- (1) A minimum of two (2) years of experience as verified by a minimum of four thousand (4,000) hours of employment in any of the following areas or combination of areas:

(A) As an employed private investigator for a private investigator firm licensed:

- (i) under IC 25-30-1; or
  - (ii) in another state with substantially equivalent licensing requirements.
- (B) As a full-time manager or administrator for a private investigator firm licensed:

- (i) under IC 25-30-1; or
- (ii) in another state with substantially equivalent licensing requirements:

(C) As an investigator for the:

- (i) United States Department of Justice; or
  - (ii) United States Department of the Treasury.
- (D) As a criminal investigator with the armed forces of the United States.
- (E) As a sheriff's investigator.

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(F) As a railroad detective.

(G) As a claims investigator for an insurance company.

(H) As a licensed and practicing attorney at law or as an investigator for a practicing attorney.

(I) As a law enforcement officer for any federal, state, or local unit of government. This does not include unpaid reserve or volunteer officers.

(J) As a railroad policeman under IC 8-3-17.

(K) As a military criminal investigation or intelligence officer or agent with the armed forces of the United States.

(2) A bachelor's degree or higher in criminal justice, or a related field, as determined by the board, from an institution of higher education that is accredited by the:

- (A) Middle States Association of Colleges and Schools;
- (B) New England Association of Colleges and Schools;
- (C) North Central Association of Colleges and Schools;
- (D) Northwest Association of Colleges and Schools;
- (E) Southern Association of Colleges and Schools;
- (F) Western Association of Colleges and Schools; or
- (G) Commission on Accreditation of Criminal Justice Programs.

(c) The experience requirements shall be verified in a manner and on forms as prescribed by the board. (*Private Investigator and Security Guard Licensing Board*; 874 IAC 1-2-1; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)

#### **874 IAC 1-2-2 Criminal history information requirements**

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

Sec. 2. (a) All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed private investigator firm, must meet the requirements in this section.

(b) Qualifiers must submit the following:

(1) Criminal history information from each city, county, and state in which the applicant has resided during the seven (7) years preceding the filing of the application for licensure.

(2) A fingerprint-based criminal history check from the Indiana state police.

(c) The applicant shall pay any fees associated with the release of the criminal history information of the applicant. (*Private Investigator and Security Guard Licensing Board*; 874 IAC 1-2-2; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)

#### **874 IAC 1-2-3 Nonresident applicants**

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-14; IC 25-30-1.3

Sec. 3. (a) All persons who are licensed to conduct a private investigator business in any state other than Indiana, who apply for an Indiana private investigator firm license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, the following:

- (1) A license certification letter from the licensing authority for private investigators in each state in which licensed to conduct

a private investigator business, stating that the applicant is in good standing in that state or in those states.

(2) Verification of registration as a foreign corporation with the Indiana secretary of state, if the firm is a corporation.

(b) All persons who hold or have held a professional license issued by a state licensing board in any state other than Indiana, who apply for an Indiana private investigator firm license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1 or this article, a license certification letter from the licensing authority in each state in which the applicant holds or has held a professional license, stating that the applicant is in good standing in that state or in those states. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-2-3; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **874 IAC 1-2-4 Violation of law; effect on application**

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

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Sec. 4. The board may, at its discretion, consider an application for a private investigator firm license if the applicant or an officer or partner of the applicant under IC 25-30-1-8(b) has acted as a private investigator firm in violation of IC 25-30 or this article within a period of two (2) years prior to the date of the applicant's application, including whether any such experience gained while acting as a private investigator firm in violation of IC 25-30 or this article may be considered in determining required experience under section 1 of this rule. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-2-4; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

### **Rule 3. Security Guard Agency Licensing**

#### **874 IAC 1-3-1 Experience and education requirements**

Authority: IC 25-30-1-5.5

Affected: IC 8-3-17; IC 25-30-1.3-9

Sec. 1. (a) This section establishes the experience requirements under IC 25-30-1.3-9(a)(2) for a security guard agency license.

All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed security guard agency, must meet the requirements in this section.

(b) The experience requirements may be satisfied by completing the employment experience in subdivision (1) or the educational experience in subdivision (2) as follows:

(1) A minimum of two (2) years of experience as verified by a minimum of four thousand (4,000) hours of employment in any of the following areas or combination of areas:

(A) As an employed private investigator for a private investigator firm licensed:

(i) under IC 25-30-1; or

(ii) in another state with substantially equivalent licensing requirements.

(B) As a full-time manager or administrator for a:

(i) security guard agency licensed:

(AA) under IC 25-30-1.3; or

(BB) in another state with substantially equivalent licensing requirements

(ii) private investigator firm licensed:

(AA) under IC 25-30-1; or

(BB) in another state with substantially equivalent licensing requirements; or

(iii) proprietary security force of at least twenty (20) employees or a lesser number with equivalent experience as determined by the board.

(C) As an investigator for the:

(i) United States Department of Justice; or

(ii) United States Department of the Treasury.

(D) As a criminal investigator with the armed forces of the United States.

(E) As a sheriff's investigator.

(F) As a railroad detective.

(G) As a claims investigator for an insurance company.

(H) As a licensed and practicing attorney at law or as an investigator for a practicing attorney.

(I) As a law enforcement officer for any federal, state, or local unit of government. This does not include unpaid reserve or volunteer officers.

(J) As a railroad policeman under IC 8-3-17.

(K) As a military or security police officer with the armed forces of the United States.

(2) A bachelor's degree or higher in criminal justice, or a related field, as determined by the board, from an institution of higher education that is accredited by the:

(A) Middle States Association of Colleges and Schools;

(B) New England Association of Colleges and Schools;

(C) North Central Association of Colleges and Schools;

(D) Northwest Association of Colleges and Schools;

(E) Southern Association of Colleges and Schools;

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(F) Western Association of Colleges and Schools; or

(G) Commission on Accreditation of Criminal Justice Programs.

(c) The experience requirements shall be verified in a manner and on forms as prescribed by the board. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-1; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **874 IAC 1-3-2 Criminal history information requirements**

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1.3-9

Sec. 2. (a) All individual applicants, at least one (1) individual of a partnership applicant, and at least one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed security guard agency, must meet the requirements in this section.

(b) Qualifiers must submit the following:

(1) Criminal history information from each city, county, and state in which the applicant has resided during the seven (7) years preceding the filing of the application for licensure.

(2) A fingerprint-based criminal history check from the Indiana state police.

(c) The applicant shall pay any fees associated with the release of the criminal history information of the applicant. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-2; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **874 IAC 1-3-3 Nonresident applicants**

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1.3-15

Sec. 3. (a) All persons who are licensed to conduct a security guard business in any state other than Indiana, who apply for an Indiana security guard agency license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, the following:

(1) A license certification letter from the licensing authority for security guards in each state in which licensed to conduct a security guard business, stating that the applicant is in good standing in that state or in those states.

(2) Verification of registration as a foreign corporation with the Indiana secretary of state, if the security guard agency is a corporation.

(b) All persons who hold or have held a professional license issued by a state licensing board in any state other than Indiana, who apply for an Indiana security guard agency license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, a license certification letter from the licensing authority in each state in which the

applicant holds or has held a professional license, stating that the applicant is in good standing in that state or in those states. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-3; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **874 IAC 1-3-4 Violation of law; effect on application**

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1.3-9

Sec. 4. The board may, at its discretion, consider an application for a security guard agency license if the applicant or an officer or partner of the applicant under IC 25-30-1.3-9(b) has acted as a security guard agency in violation of IC 25-30 or this article within a period of two (2) years prior to the date of the applicant's application, including whether any such experience gained while acting as a security guard agency in violation of IC 25-30 or this article may be considered in determining required experience under section 1 of this rule. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-4; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

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### **ARTICLE 2. PRIVATE INVESTIGATOR FIRMS AND SECURITY GUARD AGENCIES**

#### **Rule 1. General Provisions**

##### **874 IAC 2-1-1 Fees**

Authority: IC 25-1-8-2; IC 25-30

Affected: IC 25-30

Sec. 1. (a) The application/issuance fee for a license as a private investigator firm shall be as follows:

(1) Three hundred dollars (\$300) if the application is filed one (1) year or more from the date of the next quadrennial renewal expiration date.

(2) One hundred fifty dollars (\$150) if the application is filed less than one (1) year from the date of the next quadrennial renewal expiration date.

(b) The application/issuance fee for a license as a security guard agency shall be as follows:

(1) Three hundred dollars (\$300) if the application is filed one (1) year or more from the date of the next quadrennial renewal expiration date.

(2) One hundred fifty dollars (\$150) if the application is filed less than one (1) year from the date of the next quadrennial renewal expiration date.

(c) The quadrennial renewal fee for a license as a private investigator firm shall be three hundred dollars (\$300).

(d) The quadrennial renewal fee for a license as a security guard agency shall be three hundred dollars (\$300). (*Private Investigator and Security Guard Licensing Board; 874 IAC 2-1-1; filed Jun 3, 2010, 3:10 p.m.: 20100630-IR-874090003FRA*)

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